THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27340 OF 2007

DATED: 26-12-2007

BETWEEN

P. Lalithamma, W/o. P. Bathi Reddy,
R/o. Tummalagunta Village,
Tirupathi Rural Mandal,
Chittoor District and others.

...PETITIONERS

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners submit that they have filed appeals before the Revenue Divisional Officer, Tirupati in Appeal Nos.701, 436, 617, 615 and 700 of 2003 respectively against the final orders passed by the Mandal Revenue Officer, Tirupati dated 10.02.2003 and 16.04.2003 respectively under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). They further submit that when the Revenue Divisional Officer attempted to dispossess them, pending the appeals, they filed writ petitions in W.P.Nos.9707 to 9710 and 10122 of 2003 respectively. This Court by different orders directed the appellate authority to dispose the appeals within six weeks from the date of receipt of the said orders.

2. Petitioners further submit that in spite of the orders of this Court the appeals have not been considered and disposed. They further assert that

they have been in possession of the land in question whereas the learned counsel for the fourth respondent – Tirupati Urban Development Authority (TUDA), submits that the said land has been handed over to the fourth respondent.

3. Learned Government Pleader submits that the aforesaid appeals are pending on the file of the Revenue Divisional Officer, Tirupati with regard to the summary eviction orders passed in respect of the land in question of an extent of Ac.9.30 cents in Sy.No.61; Ac.7.38 cents in Sy.No.62 and Ac.4.48 cents in Sy.No.63 and the said lands are classified as poromboke lands.

4. One of the orders passed by the Mandal Revenue Officer in D.Dis.No.451/2002 dated 10.02.2003 goes to show that the lands in question are classified as poromboke and handed over to TUDA for development under Neeru Meeru programme during 2002 but the operative portion of the orders goes to show that the encroachment of the land, which is classified as poromboke, is liable for eviction and therefore, the petitioners were directed to vacate the said land. Therefore, I am not inclined to express any opinion with regard to the status of actual possession obtaining as on today.

5. Having regard to the facts and circumstances of the case and pending disposal of the appeals before the Revenue Divisional Officer, status quo obtaining as on today with regard to the possession of the land, between the petitioners and the fourth respondent, shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

December 26, 2007
Note: Furnish C.C. of the order by 27.12.2007
(**B/o**)
DSK